

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**FRANK E. VOTH,**

**6:16-CV-00779-AC**

**Plaintiff,**

**ORDER**

**v.**

**GARRETT LANEY, CAPTAIN  
SIMMONS, and MS. C.  
ARCHDEACON,**

**Defendants.**

**BROWN, Judge.**

Magistrate Judge John V. Acosta issued Findings and Recommendation (#80) on April 4, 2017, in which he recommends this Court grant Defendants' Motion (#38) for Summary Judgment based on Plaintiff's failure to exhaust administrative remedies and dismiss this matter. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#80). Accordingly, the Court **GRANTS** Defendants' Motion (#38) for Summary Judgment based on Plaintiff's failure to exhaust administrative remedies and **DISMISSES** this matter **without prejudice**.

IT IS SO ORDERED.

DATED this 4th day of May, 2017.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge